

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Sadao ITO, et al.

Group Art Unit: 3625

Serial No.: 09/781,886

Examiner: N. Rosen

Filed: February 12, 2001

For: INFORMATION PROVIDING SYSTEM FOR PROVIDING INFORMATION  
ABOUT PARTS

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

**Mail Stop**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicants hereby request that the holding of abandonment in the above-identified application be withdrawn on the basis that the Applicants did not receive the Final Office Action mailed February 28, 2006. In addition, the Applicants request that the February 28, 2006 Final Office Action be re-mailed and the time period for response thereto be restarted. No petition fee is believed to be required.

**DISCUSSION**

On September 11, 2006, the undersigned received a telephone call from examiner Rosen of the United States Patent and Trademark Office (USPTO) indicating that a Final Office Action was mailed to the Applicants on February 28, 2006 and inquiring whether a reply was filed. The Examiner did however acknowledge that the USPTO records indicated that the Final

Office Action was returned to the USPTO as undelivered. In view of the non-reply, the Examiner indicated that the application was abandoned at this point. A copy of the Notice of Abandonment and Interview Summary reflecting the above is provided as Exhibit #A.

Section 711.03(c) of the MPEP states, in part, that:

“The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket records where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner’s statement.”

The undersigned hereby states that the Final Office Action mailed February 28, 2006 has, to date, not been received. The undersigned further states that a search of the file jacket and docket records for this application indicates that the February 28, 2006 Final Office Action has not been received. A copy of the docket record is attached, as Exhibit B, showing where the February 28, 2006 Final Office Action would have been indicated had it been received and docketed. Furthermore, it is evident from PAIR that this Final Office Action was never delivered but rather was returned to the USPTO as undelivered (Exhibit C).

## **CONCLUSION**

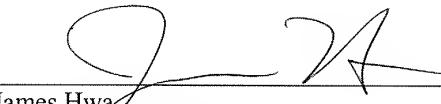
On the basis of the above discussion and PAIR results (Exhibits A and C) as well as the attached documentary evidence (Exhibit B), the Applicants request that (1) the holding of abandonment in the above-identified application be withdrawn on the basis that Applicants did not receive the Final Office Action mailed February 28, 2006, (2) the February 28, 2006 Final Office Action be re-mailed, and (3) the time period for response thereto be restarted.

**AUTHORIZATIONS**

The Commissioner is hereby authorized to charge any fees which may be required for the consideration of this paper, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-4685. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: September 18, 2006 By:

  
James Hwa  
Registration No. 42,680  
(202) 857-7887 Telephone  
(202) 857-7929 Facsimile

**Correspondence Address:**

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3 World Financial Center  
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# EXHIBIT A



# UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,886	02/12/2001	SadAo Ito	1232-4685	9637
27123	7590	09/13/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			ROSEN, NICHOLAS D	
		ART UNIT	PAPER NUMBER	
		3625		

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Abandonment</b>	Application No.	Applicant(s)	
	09/781,886	ITO ET AL.	
	Examiner Nicholas D. Rosen	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 28 February 2006.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTO-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTO-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

*Nicholas D. Rosen*      *September 11, 2006*  
**NICHOLAS D. ROSEN**  
**PRIMARY EXAMINER**

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

<b>Interview Summary</b>	Application No.	Applicant(s)	
	09/781,886	ITO ET AL.	
	Examiner Nicholas D. Rosen	Art Unit 3625	

All participants (applicant, applicant's representative, PTO personnel):

(1) Nicholas D. Rosen. (3) \_\_\_\_\_.

(2) James Hwa. (4) \_\_\_\_\_.

Date of Interview: 11 September 2006.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: Not applicable.

Identification of prior art discussed: Not applicable.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an  
Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner Rosen called and left a telephone message for Mr. Hwa regarding the apparent abandonment of the case. Mr. Hwa called back a few minutes later, and confirmed that he had not responded to the Final Rejection mailed February 28, 2006, because he had never received it. The Office Action had been returned as undeliverable, and the application therefore qualified as abandoned in accordance with MPEP 707.13. It was not clear how this had happened, and Mr. Hwa could petition to revive the application, but for the present, it was abandoned.

# EXHIBIT B

February 24, 2006

2/24/06	11/331914	Filing Receipt
2/24/06	11/317947	Notice to file missing parts Filing Receipt

February

27, 2006

2/27/06	09/907,999	Interview Summary
2/27/06	11/325495	Filing Receipt
2/27/06	78/976624	Notice of publication under 12(A)
2/27/06	10/519723	Recordation of Assignment
2/27/06	11/336754	Filing Receipt
2/27/06	78/675992	Office Action (6 month)
2/27/06	76/598023	Suspension Inquiry (trademark)
2/27/06	78/376915	Response to Office Action
2/27/06	78/554078	Response to Office Action
2/27/06	11/332789	Notice to file missing parts
		Filing Receipt

2/27/06

Notice of Acceptance of Appl. U.S.C. 371  
Filing Receipt

2/27/06

Filing Receipt  
Filing Receipt  
3 Month Office Action  
6 Month Office Action  
3 Month Office Action  
30U Extension Request  
30U Extension Request  
Examiner's Amendment

February

28, 2006

2/28/06	1962966	Declaration of Use, TMK
2/28/06	10/608019	3 Month Office Action
2/28/06	11/270232	3 Month Office Action
2/28/06	09/951297	3 Month Office Action
2/28/06	10/614109	1 Month Office Action
2/28/06	10/873796	3 Month Office Action
2/28/06	09/997445	Notice of Allowance Notice of Allowability

February 28, 2006

2/28/06	11/145 507	3 month Office Action
2/28/06	09/909 196	3 month Office Action
2/28/06	10/497 761	3 month Office Action
2/28/06	10/183 311	3 month Office Action
2/28/06	10/943 738	Notice of Allowance
—	—	Notice of Allowability
2/28/06	11/073 307	1 month Office Action
2/28/06	10/1798 811	Notice of Allowance
—	—	Notice of Allowability
2/28/06	10/113 360	Advisory Action
2/28/06	10/265 361	3 month Office Action
2/28/06	10/060 715	3 month Office Action
2/28/06	10/953 205	3 month Office Action
2/28/06	10/616 853	3 month Office Action
2/28/06	09/995 913	3 month Office Action
2/28/06	10/204 565	3 month Office Action
2/28/06	10/008 334	3 month Office Action
2/28/06	10/803 371	Notice of Allowance
—	—	Notice of Allowability
2/28/06	10/416 862	Supp. Notice of Allowability
2/28/06	10/216 999	3 month Office Action
2/28/06	10/739 600	3 month Office Action
2/28/06	7,003,370 B2	Soft Copies
2/28/06	7,002,706 B2	Soft Copies
2/28/06	7,002,641 B2	Soft Copies + Ribbon
2/28/06	7,003,222 B1	Soft Copies
2/28/06	7,001,776 B2	Soft Copies
2/28/06	7,002,632 B2	Soft Copies
2/28/06	7,002,171 B2	Soft Copies
2/28/06	7,003,075 B2	Soft Copies
2/28/06	7,001,031 B2	Soft Copies
2/28/06	09/938 250	Notice of Allowance
2/28/06	3,058,367	Certificate of Registration
2/28/06	10/439 711	Office Communication U.S.P.T.O
2/28/06	10/384 334	Notice of Abandonment
2/28/06	11/265 311	Notice of Recancellation

February 28, 2006

2/28/06	10/853 036	Notice of Allowance Notice of Allowability Filing Receipt
2/28/06	11/326 814	Notice of Acceptance under 35 U.S.C. 371 Filing Receipt
2/28/06	10/518 559	
2/28/06	11/329 952	Notice to file missing parts Filing Receipt
2/28/06	11/331 383	Filing Receipt
2/28/06	11/332 849	Notice to file missing parts Filing Receipt
2/28/06	11/265 435	Notice of Recordation
2/28/06	11/198 808	Notice of Recordation
2/28/06	10/076 674	Advisory Action
2/28/06	10/172 402	P.T.O. Office Communication
2/28/06	11/267 561	Notice of Recordation
2/28/06	11/202 761	Notice of Recordation
2/28/06	11/265 458	Notice of Recordation
2/28/06	11/332 719	Filing Receipt Received
2/28/06	11/265 457	Notice of Recordation
2/28/06	10/493 835	3 month Office Action
2/28/06	11/244 502	3 month Office Action
2/28/06	11/253 614	Notice of Publication of Application
2/28/06	10/332 436	Notice of Recordation
2/28/06	76/426 529	Notice of Approval of Ext. Request Postcard
2/28/06	76/299 184	Notice of Approval of Ext Request Postcard
2/28/06	78/469 614	Notice of Publication §12(A) postcard
2/28/06	78/074 02	Notice of Acceptance of SOU postcard
2/28/06	11/334 111	Filing Receipt

March 1, 2006

3/1/06	3,059 752	TMK Certificate of Registration
3/1/06	11/336 712	Filing Receipt
3/1/06	10/490 720	3 month Office Action
3/1/06	10/995 153	Notice of Allowance
3/1/06	10/086 700	Notice of Allowability 3 month Office Action

March 1, 2006

3/1/06	10/209632	3 month Office Action
3/1/06	10/853610	Notice of Abandonment
3/1/06	10/763686	3 month Office Action
3/1/06	10/214979	3 month Office Action
3/1/06	10/470394	2 month Office Action
3/1/06	09/645753	Notice of Non-Compliant Amendment
3/1/06	74/282850	Notice of Acceptance TMK
3/1/06	10/521305	Notice of Recitation
3/1/06	11/219508	Notice of Corrected Recitation
3/1/06	11/228119	Notice of New or Revised Publication
3/1/06	10/518870	Notice of Publication
3/1/06	10/540092	Notice of Acceptance under 35 U.S.C.
		Filing Receipt
3/1/06	11/336533	Filing Receipt
3/1/06	10/539032	Filing Receipt
		Notice of Acceptance 45 USC 37 CFR 1.4(a)
3/1/06	11/329576	Notice to File Missing Parts
		Filing Receipt
3/1/06	11/302588	Updated Filing Receipt
3/1/06	10/174405	Supp. Notice of Allowability
3/1/06	11/255559	Notice of Publication
3/1/06	11/244503	Notice of Publication
3/1/06	11/198808	Notice of Publication
3/1/06	11/245201	Notice of Publication
3/1/06	11/200540	Notice of Publication
3/1/06	11/115016	Notice of Publication
3/1/06	10/518559	Notice of New/Revised Projected Publ
3/1/06	11/204487	Notice of Publication
3/1/06	11/201051	Notice of Publication
3/1/06	11/184238	Notice of Publication
3/1/06	791000776	TMK Appeal Decision

March 2, 2006

3/2/06	09/573153	Notice of Allowance
		Notice of Allowability
3/2/06	78/566530	Notice of Publication under 12(A)

March 2, 2006

3/26/06	09/951270	Notice of Allowance and Fees Notice of Allowability Supp. Notice of Allowability Notice of Allowance and Fees Notice of Allowability Status Enquiry Letter
3/2/06	10/283684	
3/2/06	10/323237	
3/2/06	11/008379	
3/2/06	7,005 782 B2	Soft Copies
3/2/06	7,006 598 B2	Soft Copies
3/2/06	7,006 260 B2	Soft Copies
3/2/06	7,005 081 B2	Soft Copies
3/2/06	7,006 705 B2	Soft Copies
ail	78/678437	Office Action 6 month
ail	78/225016	TMK Sou Extension Request
ail	78/225017	TMK Sou Extension Request
ax	10/470394	1 Month Office Action

March

3, 2006

3/3/06	09/630711	3 month Office Action
3/3/06	78/683667	Response to Office Action TMK
3/3/06	11/170116	Corrected Notice of Recordation
3/3/06	11/330520	Filing Receipt
3/3/06	11/153627	Issue Notification
3/3/06	10/627003	Issue Notification
3/3/06	10/292066	Issue Notification
3/3/06	09/884614	Decision on Petition letter
3/3/06	11/331639	Filing Receipt
3/3/06	10/791943	Notice of Allowance Notice of Allowability
3/3/06	11/331311	Filing Receipt
3/3/06	10/729304	Issue Notification
3/3/06	10/703685	Issue Notification
3/3/06	10/160219	Issue Notification
3/3/06	09/146069	Issue Notification
3/3/06	11/227611	Corrected Filing Receipt
3/3/06	10/032116	3 month Office Action
3/3/06	10/920738	3 month Office Action

March 3, 2006

3/3/06	10/920 671	3 month Office Action
3/3/06	10/781 412	Suppl. Notice of Allowability
3/3/06	11/210 088	3 month Office Action
3/3/06	7,004 569 B2	Ribbon + Soft Copies
3/3/06	7,006 277 B2	Ribbon + Soft Copies
3/3/06	7,007 050 B2	Ribbon Copy
3/3/06	7,006 194 B2	Ribbon Copy
3/3/06	7,006 262 B2	Ribbon Copy
3/3/06	7,005 782 B2	Ribbon Copy
3/3/06	10/810 238	3 month Office Action
3/3/06	6,934 058 B2	Certificate of Correction

March

3/6/06	10/629 174	Notice of Abandonment
3/6/06	10/068 685	3 month Office Action
3/6/06	90/006 312	Notice of Hearing

March

Email	3/3/06	10/359 63	Declaration of Use TMK
Email	3/7/06	78/340 243	SOU Extension Request
Email	3/7/06	78/688 637	6 month Office Action
Email	3/7/06	78/570 860	Request for Extension
Email	3/7/06	78/570 860	Extension of time to oppose
	3/7/06	10/820 373	Notice to Change P.D.A.
	3/7/06	10/674 446	Issue Notification
	3/7/06	11/318 580	Updated Filing Receipt
	3/7/06	11/297 026	Updated Filing Receipt
	3/7/06	90/006 312	Notice of Hearing
	3/7/06	11/267 858	Notice of Recitation
	3/7/06	11/269 003	Notice of Recitation
	3/7/06	11/329 953	Notice to File Missing parts
			Filing Receipt
	3/7/06	09/552 274	Notice of Patent Expiration
	3/7/06	11/227 611	Notice of Recitation
	3/7/06	10/933 097	Status Inquiry Letter
	3/7/06	10/991 658	3 month Office Action

March 7, 2006

3/7/06	78/271732	Not of Acceptance of Stmt of use	
3/7/06	10/832491	3 month Office Action	
3/7/06	10/759877	3 month Office Action	
3/7/06	10/439215	3 month Office Action	
3/7/06	10/051249	3 month Office Action	
3/7/06	11/253339	3 month Office Action	
3/7/06	10/094241	3 month Office Action	
3/7/06	7,00630882	Soft Copies Rec	
3/7/06	10/791081	3 month Office Action	
3/7/06	29/054674	Decision on Appeal	
3/7/06	7,00619482	Soft Copies	
3/7/06	10/192126	3 month Office Action	
Mail	3/7/06	78/831073	Assigned of Serial Number
Email	3/7/06	78/500654	Notice of Appeal
Email	3/7/06	78/550991	Extension of Time to Oppose
Email	3/7/06	78/500654	Ex parte Appeal
Email	3/7/06	78/500654	Response to Office Action
Email	3/7/06	78/741146	Receipt of Preliminary Amendment

March 8, 2006

Fax	3/8/06	11/253614	Notice of Recitation
	3/8/06	11/148925	Notice of Allowance
	3/8/06	10/566535	Notice of Allowability
	3/8/06	10/528442	Notification of Missing Requirements
	3/8/06	09/542551	Decision on Ration
	3/8/06	11/258181	Notice of Allowance
	3/8/06	11/336965	Notice of Allowability
	3/8/06	10/793138	Update Filing Receipt
	3/8/06		Filing Receipt
	3/8/06		Withdrawal of Previously Sent Notice
	3/8/06		Notice to Comply w/ Requirements
	3/8/06	11/336542	Filing Receipt
	3/8/06	09/679687	Interview Summary
	3/8/06	11/244509	Updated Filing Receipt
	3/8/06	10/301252	3 month Office Action
	3/8/06	09/645794	3 month Office Action

March 8, 2006

3/8/06	09/645020	3 month Office Action
3/8/06	10/626418	3 month Office Action
3/8/06	09/990039	3 month Office Action
3/8/06	6,996,983,2	Soft copies
3/8/06	10/947169	3 month Office Action
3/8/06	11/095067	3 month Office Action
3/8/06	09/997445	Notice of Allowance
	—	Notice of Allowability
3/8/06	10/067056	Notice of Allowance
	—	Notice of Allowability
3/8/06	09/978701	3 month Office Action
3/8/06	11/341047	Filing Receipt
3/8/06	10/716736	Issue Notification
3/8/06	11/128541	Issue Notification
3/8/06	10/290344	Issue Notification
3/8/06	11/340182	Filing Receipt
3/8/06	11/335983	Filing Receipt
3/8/06	11/340355	Filing Receipt
3/8/06	11/267754	Notice of Recitation
3/8/06	11/270424	Notice of Recitation
3/8/06	11/282065	Notice of Recitation
3/8/06	10/560568	Notification of Missing Requirement
3/8/06	11/271666	Notice of Recitation
3/8/06	09/800252	Issue Notification
3/8/06	10/402521	Issue Notification
3/8/06	10/442466	Office Action (11 month)
3/8/06	11/321937	Filing Receipt
3/8/06	11/270425	Notice of Recitation
3/8/06	11/265848	Notice of Recitation
3/8/06	11/040572	Notice of Recitation
3/8/06	10/859805	Issue Notification
3/8/06	10/820373	Notice of Acceptance
3/8/06	78/531561	Notice of Abandonment
3/8/06	10/953926	Notice of Recitation
3/8/06	78/643380	NOT of Publication 12(A)
3/8/06	78/657602	Notice of Publ. under 12(A)

March 8, 2006

3/8/06	10/367841	Issue Notification
3/8/06	10/648869	Issue Notification
3/8/06	11/344841	Notice to File Missing Parts
3/8/06		Filing Receipt
3/8/06	10/916122	Issue Notification
3/8/06	11/093067	Notice of Recitation
3/8/06	11/274381	Updated Filing Receipt
3/8/06	10/715723	Issue Notification
3/8/06	11/267783	Notice of Recitation
3/8/06	11/341124	Filing Receipt
3/8/06	11/341042	Notice to File Missing Parts
		Filing Receipt
3/8/06	10/461843	Issue Notification
3/8/06	11/339244	Filing Receipt
3/8/06	09/530480	Notice of Recitation
3/8/06	09/921534	Notice of Recitation
3/8/06	11/342049	Filing Receipt

March 9, 2006

mail	3/9/06	91/168302	Stipulated /Consent Motion
	3/9/06	11/106965	Issue Notification
	3/9/06	09/666864	Issue Notification
Fax	3/9/06	10/911307	Notice of Recitation
Email	3/9/06	91/168302	Motion to Extend Time to Amend/Grant
Email	3/9/06	78/697406	TMK 6 month Office Action
Email	3/9/06	78/570815	TMK Allegation of Use Form

March 10, 2006

mail	3/10/06	91/163523	Motion to Extend Granted
Email	3/10/06	91/164807	Motion to Extend Granted
Email	3/10/06	91/163523	Stipulated /Consent Motion
Email	3/10/06	91/164807	Stipulated /Consent Motion
Email	3/10/06	91/1611137	Motion to Extend Granted
Email	3/10/06	75/786663	Response to Office Action
Email	3/10/06	91/163494	Motion to Extend Granted
Email	3/10/06	91/163494	Stipulated /Consent Motion

March 10, 2006

Email	3/10/06	9/1162981	Stipulated / Consent Motion
Email	3/10/06	9/1162981	Motion to Extend Granted
Email	3/10/06	9/1161183	Stipulated / Consent Motion
Email	3/10/06	9/1161183	Motion to Extend Granted
Email	3/10/06	9/1165507	Motion to Extend Granted
Email	3/10/06	9/1165507	Stipulated / Consent Motion
Email	3/10/06	9/1163602	Motion to Extend Granted
Email	3/10/06	9/1163602	Stipulated / Consent Motion
	3/10/06	10/799 019	Response to Rule 312 Com
	3/10/06	10/533 758	Filing Receipt
	3/10/06	11/114 972	Notice of Recordation Correct
	3/10/06	11/335 393	Filing Receipt
	3/10/06	11/335 423	Filing Receipt
	3/10/06	10/640 709	Letter regarding response to Peti
	3/10/06	10/204 087	3 mo. Office Action
	3/10/06	10/260 032	Notice of Allowance
	3/10/06	10/820 373	Notice of Allowability
	3/10/06	10/809 620	3 month Office Action
	3/10/06	09/925 856	3 month Office Action
	3/10/06	11/267 858	Info. Dix Citation
	3/10/06	3,063,811	Notice of Allowance
	3/10/06	3,063,923	Notice of Allowability
	3/10/06	10/869 558	Certificate of Registration
	3/10/06	10/311 645	Certificate of Registration
	3/10/06	3,063 415	3 month Office Action
	3/10/06	10/015,996	1 month Office Action
	3/10/06	7,010,404 B2	Certificate of Registration
	3/10/06	7,010,091 B2	3 month Office Action
	3/10/06	10/784 812	Ribbon + Soft Copies
	3/10/06	7,009,768 B2	Ribbon + Soft Copies
	3/10/06	7,009,776 B2	Notice of Allowability
	3/10/06	7,009,686 B2	Soft Copies
	3/10/06	7,009,681 B2	Soft Copies
Fax:	3/10/06	7,009,956 B2	Ribbon Copy

## March 2006

3/10/06	7,009,021 B2	Ribbon Copy
3/10/06	7,009,089 B1	Ribbon Copy
3/10/06	09/589471	3 month Office Action
3/10/06	09/484355	Notice of Patent Expiration
3/10/06	09/910432	3 month Office Action
3/10/06	11/348417	Notice to file missing parts
3/10/06	76/613787	Notice of Opposition
mail	3/10/06	Office Action
mail	3/10/06	Register Form for Serial Number
mail	3/10/06	Notice of Suspension
mail	3/10/06	Notice of Suspension
mail	3/10/06	Response to Office Action
mail	3/10/06	Motion to Extend Grant
email	3/10/06	Notice of Approval postcard
email	3/10/06	Notice of Acceptance of SOR
email	3/10/06	Notice of Abandonment
mail	3/10/06	Notice of Abandonment
mail	3/10/06	Register Form for Serial
mail	3/10/06	Response to Office Action

## March 13, 2006

3/13/06	11/267,755	updated Filing Receipt
3/13/06	11/334,992	Filing Receipt
3/13/06	11/202,615	Notice of Publication
3/13/06	10/517,937	Notice of Revised Proj. Publ.
3/13/06	10/539,032	Notice of Revised Proj. publ.
3/13/06	11/346,863	Notice to file missing parts
3/13/06		Filing Receipt
3/13/06	10/540,092	Notice of Revised Proj. publ.
3/13/06	11/201,616	Notice of Publ. of Appln
3/13/06	10/920,670	Notice of Publ. of Appln.
3/13/06	10/920,738	Notice of Publ. of Appln.
3/13/06	11/204,535	Notice of Publ. of APPLN.
3/13/06	10/530,019	Notice of Publ. of Appln.
3/13/06	10/536,631	Notice of Publ. of Appln.
3/13/06	11/270,384	Notice of Recardon

March 13, 2006

3/13/06	10/533758	Notice of Revised Reg. Rule
3/13/06	11/345523	Filing Receipt
3/13/06	11/212319	Notice of Recitation
3/13/06	11/298424	Notice of Revised Reg. Rule
3/13/06	11/345101	Notice to file missing part
3/13/06	11/345935	Filing Receipt
3/13/06	11/346423	Filing Receipt
3/13/06	11/305143	Filing Receipt (updated)
3/13/06	11/344219	Filing Receipt
3/13/06	74/424237	Notice of Acceptance of Stmt
3/13/06	10/540376	Notice of New Reg Rule
3/13/06	7,009956B2	Soft Copies
3/13/06	78/225016	Notice of Approved Post Card
3/13/06	78/225017	Notice of Approved Post Card
3/13/06	10/912926	Notice of Allowance
3/13/06	10/538467	Notice of Allowability
3/13/06	78/542673	Notice of Recitation
3/13/06	10/602351	Notice of Abandonment
3/13/06	10/818998	Notice of Abandonment
3/13/06	10/783788	Notice of Allowability
3/13/06	10/274078	Supp. Notice of Allowability
3/13/06	10/482918	Notice of Abandonment
3/13/06	10/600230	3 month Office Action
3/13/06	10/792508	3 month Office Action
3/13/06	10/786865	3 month Office Action
3/13/06	29/203416	1 month Office Action
3/13/06	09/213854	Notice of Allowance
3/13/06	10/837178	Notice of Allowability
3/13/06	7,007050B2	3 month Office Action
3/13/06	7,004226B2	Soft Copies
3/13/06	3,066902	Soft Copies
3/13/06	3,051184	Certificate of Registration
		Certificate of Registration

March 13, 2006

3/13/06	11/005598	1 month Office Action
3/13/06	10/778978	3 month Office Action
3/13/06	10/785803	Notice of Allowance
		Notice of Allowability
3/13/06	09/694344	3 month Office Action
3/13/06	10/227011	3 month Office Action
3/13/06	10/451711	3 month Office Action
3/13/06	10/032890	Notice of Allowance
		Notice of Allowability
3/13/06	11/225049	Notice of Allowance
		Notice of Allowability
3/13/06	7,006260B2	Ribbon Copy
3/13/06	7,006598B2	Ribbon Copy
3/13/06	7,005081B2	Ribbon Copy
3/13/06	7,006705B2	Ribbon Copy
mail	3/13/06	78/834527 Register Form for Serial Number
mail	3/13/06	78/834550 Register Form for Serial Number
mail	3/13/06	78/565355 Response to Office Action
	3/13/06	10/179237 Notice of Allowance
		Notice of Allowability
3/13/06	10/917675 Adversary Action	
3/13/06	10/882895	1 month Office Action
3/13/06	10/078353	3 month Office Action
3/13/06	10/126249	3 month Office Action
3/13/06	10/892659	3 month Office Action
mail	3/13/06	78/302996 Allegation of Use
email	3/13/06	91/166494 Motion to Suspend

March 14, 2006

3/14/06	7,004226B2	Ribbon Copy
3/14/06	10/224768	3 month Office Action
3/14/06	11/198816	Notice of Publication
3/14/06	11/253507	Notice of Publication
3/14/06	78/443763	Letter Regarding Amendment
		Notice of Appeal
3/14/06	11/350466	Filing Receipt

March 14, 2006

3/14/06	784066629	Notice of Allowance
3/14/06	11282418	Updated Filing Receipt
3/14/06	10394568	Updated Filing Receipt
3/14/06	101977738	Notice of Publication
3/14/06	11221653	Notice of Recandation
3/14/06	60758894	Filing Receipt
3/14/06	11112901	Corrected Filing Receipt
3/14/06	11244501	Notice of Recandation
3/14/06	11274963	Notice of Recandation
3/14/06	11271815	Notice of Recandation
3/14/06	11349294	Notice to File Missing Part
3/14/06		Filing Receipt
3/14/06	11335566	Filing Receipt
3/14/06	11208280	Notice of Publication
3/14/06	11219508	Notice of Publication
3/14/06	11185633	Notice of Publication
3/14/06	11280147	NOT of Recandation
3/14/06	10930002	Notice of Publication
3/14/06	10669952	Letter Regarding Inquiry
3/14/06	11239859	Notice of Recandation (Correc)
3/14/06	10512632	Notice of Recandation
3/14/06	11349612	Notice to file Missing Part
		Filing Receipt
	11350615	Filing Receipt
Email	101986427	1 month Office Action
Email	781834557	Register Form Serial Number
Fax	781834527	Register Form Serial Number
Fax	10943738	Notice of Recandation
	10911307	Recorded Assignment via Electron
	10399233	3 month Office Action
	11349291	Notice to File Corrected papers
		Filing Receipt
Fax	11165770	Notice of Recandation
		March 15, 2006
3/15/06	78205462	Notice of Abandonment postco

March 15, 2006

3/15/06	781613988	Response to Office Action
3/9/06	781613963	Response to Office Action
3/11/06	781613930	Response to Office Action
3/10/06	781836579	Register Form for Serial Number
3/9/06	101884966	3 month Office Action
3/8/06	101258712	Examiner's Amendment
3/8/06	101528442	Notice of Recitation
3/8/06	781525803	Notice of publication under 12(A)
3/9/06	111274409	Notice of Recitation
3/10/06	781513014	Notice of Abandonment
3/12/06	111301848	Updated Filing Receipt
3/10/06	111326898	Filing Receipt
3/10/06	761260036	Letter Regarding lost Application
3/10/06	111214252	Notice of publication of Application
3/10/06	781583311	Notice of publication under 12(A)
3/10/06	781588445	Notice of publication under 12(A)
3/15/06	101898444	1 month Office Action

March 16, 2006

3/16/06	111316089	Filing Receipt (Updated)
3/16/06	111201050	Notice of publication
3/16/06	11135212t	Filing Receipt
		Notice to File Missing Parts
3/16/06	111282184	Notice of Recitation
3/16/06	111280073	Notice of Recitation
3/16/06	111282418	Notice of Recitation
3/16/06	111280146	Notice of Recitation
3/16/06	111286023	Notice of Recitation
3/16/06	111281815	Notice of Recitation
3/16/06	101525130	Notice of Recitation
3/16/06	111211388	Notice of publication
3/16/06	111335151	Notice to File Corrected Appln paper
		Filing Receipt
3/16/06	111353721	Filing Receipt
3/16/06	091626811	Interview Summary
3/16/06	101692367	Notice of Allowance

March 16, 2006

EMRAC	3/6/06	Presenting 7464137 Receipt Court for Disputed, London, U.K.
EMRAC	3/6/06	Presenting 7464499, Motion to Extend term of
EMRAC	3/6/06	Presenting 7464801 Receipt Court for Disputed, London, U.K.
EMRAC	3/6/06	Presenting 7464937, Motion to Extend term of
EMRAC	3/6/06	Presenting 7465043 Receipt Court for Disputed, London, U.K.
EMRAC	3/6/06	Presenting 7465480, Motion to Extend term of
EMRAC	3/6/06	Presenting 7465523, Motion to Extend term of
EMRAC	3/6/06	Presenting 7465538, Motion to Extend term of
EMRAC	3/6/06	Presenting 7465538 Receipt Court, Motion to Extend term of

March 17<sup>th</sup> 2006

3/07/06	7/009740 B2	soft copies
3/07/06	7/009021 B2	soft copies
3/13/06	10/8344665	3-months Office action
3/14/06	7/013082 B2	soft copies
3/14/06	7/012756 B2	soft copies
3/14/06	7/012705 B1	soft copies
3/28/06	10/1730825	issue notification
3/28/06	10/401905	issue notification
3-28-06	10/200920	issue notification
3-28-06	10/292014	issue notification
3-28-06	10/634465	issue notification
3-28-06	10/139868	issue notification
3-28-06	10/641197	issue notification
3-28-06	10/719387	issue notification
3-28-06	10/245951	issue notification
3-10-06	60/775508	filing receipt
3-10-06	11/265327	updated filing receipt
3-10-06	11/353734	filing receipt
3-10-06	11/353724	filing receipt
3-10-06	11/347632	filing receipt
3-8-06	10/515088	filing receipt
3-7-06	11/281816	Notice of recordation of assignment
3-8-06	11/285533	Notice of recordation of assignment
3-7-06	11/222935	Notice of recordation of assignment

March 17, 2006

3-10-06	10/803066	Notice of allowance
3-10-06	10/803066	Notice of Allowability
3-10-06	11/347632	Notice to file missing parts
3-15-06	78/637925	Request for withdrawal of action
3-14-06	7,012,756 B2	Letters Patent (Hard Copy)
3-14-06	7,012,705 B1	Letters Patent H/copy
3-14-06	7,013,036 B2	Letters Patent H/copy
3-14-06	7,011,398 B2	Letters Patent H/copy
3-14-06	7,011,385 B2	Letters Patent H/copy
3-14-06	7011	Letters Patent Soft Copy
3-14-06	7013,036 B2	Letters Patent Soft copy
3-14-06	7,011,398 B2	Letters Patent Soft Copy
3-14-06	7,011,007 B2	Letters Patent Hard Copy
3-14-06	10/298477	3 months final office action
3-14-06	09/338215	3 months final office action
3-14-06	10/6026661	3 months office action
3-14-06	11/146014	Notice of allowance
3-14-06	11/146014	Notice of Allowability
3-14-06	10/298730	3 months office action
3-10-06	10/938429	3 months office action
3-14-06	10/815204	1 month office action
3-14-06	10/286766	3 months office action

March 20<sup>th</sup> 2006

3-13-06	10/200926	Notice of non-compliant and 37 CFR
3-11-06	78/521468	Petition for extension of time
3-13-06	10/372699	1 month office action
3-15-06	11/009620	3 months office action final
3-14-06	10/380102	1 month office action
3-14-06	10/946203	advisory action before appeal Brief
3-14-06	11/086214	1 month office action
3-16-06	10/928527	3 months office action
3-14-06	10/808657	3 months office action
3-8-06	09/281341	3 months office action
3-8-06	10/215948	1 month office action
3-8-06	10/819874	3 months office action

March 20<sup>th</sup> 2006

3-8-06	10/785804	3 months Office action
3-8-06	10/763650	3 months Office action
3-13-06	10/860452	Letter from USPTO
3-7-06	7,008059B2	Letters Patent Soft Copy
2-28-06	3,064341	Service Mark register Hard Copy
3-14-06	7,013082B2	Letters Patent H/Copy
3-7-06	700864562	Letters Patent H/Copy
3-8-06	10/742108	3 months final Office action
3-7-06	09/265070	3 months final Office action
3-14-06	10/850619	updated filing receipt
3-14-06	11/337023	filing receipt
3-14-06	11/354471	filing receipt
3-14-06	11/301708	filing receipt
3-13-06	10/631927	advisory action
3-15-06	11/1284016	updated filing receipt
3-14-06	10/404523	Notice of allowance
3-14-06	10/316816	Notice of allowability
3-13-06	—	Patent Term adjustment
3-13-06	—	Notice of allowance
3-8-06	10/714074	Notice of allowability
3-8-06	—	Notice of allowance
3-13-06	10/705090	Notice of allowance
3-13-06	—	Notice of allowability
3-8-06	11/220736	Notice of recordation/assignment
3-9-06	11/288113	Notice of recordation of assignment

March 21<sup>st</sup>, 2006

3-14-06	10/552840	Allowance (Notice)
3-16-06	11/022399	Communication letter
3-8-06	78/976708	Notice of publication under 12(a)
3-15-06	10/629879	Letter from examiner
3-15-06	11/008358	Letter from PTO office
3-8-06	78/666268	Notice of publication
3-14-06	11/271665	Notice of Recordation

March 21 <sup>st</sup> 2006	
3-15-06	60/668734
3-15-06	11/339,698
3-14-06	11/9718,27
3-14-06	29,241,356
3-14-06	11/271667
3-15-06	09/781749
3-15-06	10/3834,25
3-08-06	10/086,351
3-08-06	79/006946

## March 22, 2006

3/16/06	10/844982	3 month Office Action
3/16/06	11/294779	Updated Filing Receipt
3/14/06	11/292566	Notice of Recordation
3/17/06	09/818171	Notice of Allowance
3/17/06	09/654360	Notice of Allowability
3/15/06	11/226814	3 month Office Action
3/9/06	11/222933	Issue Notification
3/15/06	11/185577	Notice of Publication
3/15/06	11/173013	Issue Notification
3/16/06	11/076184	Notice of Recordation
3/9/06	10/515088	Notice of Publication
3/14/06	29/241357	Notice of Recordation
3/14/06	11/293019	Notice of Recordation
3/14/06	10/824989	Notice of Recordation (corrected)
3/14/06	29/241378	Notice of Recordation
3/16/06	11/326721	Updated Filing Receipt
3/9/06	10/935757	Notice of Publication
3/9/06	10/540092	Notice of New or Reused Proj. Ref.
3/9/06	10/935553	Notice of Publication
3/14/06	10/539496	Filing Receipt
3/9/06	11/087561	Notice of Acceptance of Application
3/10/06	91/156693	Notice of Publication
3/17/06	10/920738	Opposer Consent Motion
		3 month Office Action

Fax

March 22, 2006

3/15/06	79/015427	Notice of publication under (12)A
3/9/06	11/190787	Notice of publication
3/17/06	10/226908	Notice of Allowance
		Notice of Allowability
3/16/06	10/434122	3 month Office Action
Fax	3/22/06	Notice of Recitation
Email	3/17/06	SOU Extension Request
Email	3/20/06	Combined Declaration of Use
Email	3/20/06	SOU Extension Request
Email	3/20/06	SOU Extension Request
Email	3/17/06	SOU Extension Request
3/15/06	76/573621	Notice of Acceptance of SOU (post card)
3/9/06	78/508349	Notice of Acceptance of AIAU (post card)
3/9/06	78/178221	Notice of Acceptance of SOU (post card)
3/10/06	10/298827	3 month Office Action
3/13/06	10/877315	3 month Office Action
3/17/06	10/183332	Notice of Allowance
		Notice of Allowability
3/17/06	11/060198	Notice of Allowance
3		Notice of Allowability
3/18/06	10/728425	Notice of Allowance
		Notice of Allowability
3/13/06	10/283746	3 month Office Action

March 23, 2006

3/15/06	11/222723	Notice of Recitation
3/15/06	10/441862	Issue notification
3/9/06	11/214444	Notice of publication of Application
3/15/06	10/790977	Issue notification
3/9/06	11/253339	Notice of publication of Application
3/15/06	10/951752	Issue notification
3/9/06	11/223474	Notice of publication of Application
3/9/06	11/222895	Notice of publication of Application
3/17/06	10/931572	Notice of Allowance
		Notice of Allowability
3/15/06	10/915752	Issue notification

March 23, 2006

3/17/06	11/186 740	Notice of Allowance Notice of Allowability Notice of Recordation Notice of Allowance Notice of Allowability Notice of Recordation 3 month Office Action Notice of Publication Notice to file Corrected Paper Filing Receipt Notice of Missing Requirements Notice of Abandonment Filing Receipt Request for Reconsideration & Certificate of Correction NOT. of Patent Expiration NOT. of Missing Requirements NOT. of Missing Requirements Issue Notification Filing Receipt Notice of Acceptance under Notice of Publication Notice of New/ Revised Proj I Notice of Publication NOT. of Revised Projected Date Notice of Publication Issue Notification Notice of Publication Notice of Publication Notice of Publication NOT. of Publication 3 month Office Action 3 month Office Action 3 month Office Action Interview Summary 3 month Office Action
3/7/06	11/281 816	
3/17/06	10/1730786	
3/16/06	11/291 658	
3/15/06	09/896 636	
3/20/06	11/211 702	
3/20/06	11/336 322	
3/15/06	10/544 272	
3/20/06	10/781 549	
3/20/06	11/354 474	
3/17/06	09/841 985	
3/23/06	6,801 670 B2	
3/8/06	09/592 725	
3/9/06	10/540 434	
3/15/06	10/560 559	
3/15/06	10/211 008	
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3/9/06	10/520 208	
3/9/06	10/559 247	
3/9/06	10/937 448	
3/9/06	10/524 046	
3/9/06	10/543 011	
3/15/06	10/797 334	
3/9/06	10/938 456	
3/9/06	10/937 449	
3/9/06	11/269 039	
3/9/06	11/221 655	
3/17/06	10/1729 471	
3/13/06	10/279 829	
3/13/06	11/444 852	
3/13/06	10/143 360	
3/13/06	10/240 015	

## March 23, 2006

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## March 24, 2006

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## March 27, 2006

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3/17/06	11/257785	Notice of Recordation (Corrected)
3/15/06	78/433406	Notice of Abandonment

March 27, 2003

3/16/06	91168707	Notice of Opposition
3/21/06	10089854	Advisory Action
3/17/06	76271011	Decision of Appeal
3/17/06	11245912	Notice of Recaration
3/22/06	92025979	Extension of Testimony Period
3/21/06	10310932	3 month Office Action
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3/17/06	10508305	Notice of Recaration
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3/14/06	3,069025	Certificate of Registration
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<u>3/22/06</u>	<u>10172646</u>	Notice of Allowability
3/21/06	10853974	Notice of Allowability
3/21/06	10850094	3 month Office Action
		1 Month Office

Mail	3/1/06 3/17/06 3/21/06 3/21/06 3/21/06 3/21/06 3/21/06	79/008896 78/587274 09/834434 11/176997 10/971931 10/099717	6 month Office Action Request for Extension 3 month Office Action 3 month Office Action 3 month Office Action Notice of Allowance Notice of Allowability
	3/21/06 3/22/06 3/22/06 3/22/06 3/22/06 3/21/06 3/21/06 3/21/06 3/21/06	11/010061 10/227246 10/930128 10/442338 10/865403 10/307875 10/320129 79/013145 75/068126	3 month Office Action 3 month Office Action 6 month Office Action Notice of Recardation

March 28, 2006

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# **EXHIBIT C**

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Mail Room Date	Document Description	Document Category	Page Count
03-13-2006	Mail returned to USPTO as undelivered	PROSECUTION	21
02-28-2006	Final Rejection	PROSECUTION	16
02-28-2006	Examiner Interview Summary Record (PTOL - 413)	PROSECUTION	3
02-28-2006	List of references cited by examiner	PROSECUTION	1
02-28-2006	Search information including classification, databases and other search related notes	PROSECUTION	1
02-28-2006	Index of Claims	PROSECUTION	1
02-20-2006	Examiner's search strategy and results	PROSECUTION	1
02-07-2006	Fee Worksheet (PTO-875)	PROSECUTION	1
02-07-2006	Request for Continued Examination (RCE)	PROSECUTION	1
02-07-2006	Amendment Submitted/Entered with Filing of CPA/RCE	PROSECUTION	1
02-07-2006	Claims	PROSECUTION	7
02-07-2006	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	4
11-07-2005	Final Rejection	PROSECUTION	13
11-07-2005	List of references cited by examiner	PROSECUTION	1
11-07-2005	NPL Documents	PRIOR ART	2
11-07-2005	NPL Documents	PRIOR ART	23
11-07-2005	Index of Claims	PROSECUTION	1
11-07-2005	Search information including classification, databases and other search related notes	PROSECUTION	1
10-31-2005	Examiner's search strategy and results	PROSECUTION	4
10-05-2005	Miscellaneous Incoming Letter	PROSECUTION	2
09-13-2005	Examiner Interview Summary Record (PTOL - 413)	PROSECUTION	4
08-24-2005	Fee Worksheet (PTO-875)	PROSECUTION	1
08-24-2005	Amendment - After Non-Final Rejection	PROSECUTION	1
08-24-2005	Claims	PROSECUTION	8
08-24-2005	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	5
05-24-2005	Non-Final Rejection	PROSECUTION	14
05-24-2005	List of references cited by examiner	PRIOR ART	2
05-24-2005	NPL Documents	PRIOR ART	1
05-24-2005	NPL Documents	PRIOR ART	1
05-24-2005	NPL Documents	PRIOR ART	4
05-24-2005	NPL Documents	PRIOR ART	2
05-24-2005	NPL Documents	PRIOR ART	1
05-24-2005	NPL Documents	PRIOR ART	6
05-24-2005	NPL Documents	PRIOR ART	2
05-24-2005	NPL Documents	PRIOR ART	2
05-24-2005	Index of Claims	PROSECUTION	1
05-24-2005	Search information including classification, databases and other search related notes	PROSECUTION	1
05-09-2005	Examiner's search strategy and results	PROSECUTION	2
05-06-2005	Examiner's search strategy and results	PROSECUTION	2
04-18-2005	Letter Withdrawing/Vacating Office Action	PROSECUTION	2
03-31-2005	Fee Worksheet (PTO-875)	PROSECUTION	1
03-31-2005	Amendment After Final	PROSECUTION	1
03-31-2005	Claims	PROSECUTION	7
03-31-2005	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	4
03-31-2005	Abstract	PROSECUTION	1

03-31-2005	Miscellaneous Incoming Letter	PROSECUTION	2
03-30-2005	Examiner's search strategy and results	PROSECUTION	77
03-03-2005	Notice to the applicant regarding a Non-Compliant Amendment	PROSECUTION	2
02-11-2005	Request for Continued Examination (RCE)	PROSECUTION	1
02-11-2005	Extension of Time	PROSECUTION	2
02-01-2005	Advisory Action (PTOL-303)	PROSECUTION	3
01-14-2005	Fee Worksheet (PTO-875)	PROSECUTION	1
01-14-2005	Amendment Submitted/Entered with Filing of CPA/RCE	PROSECUTION	1
01-14-2005	Abstract	PROSECUTION	1
01-14-2005	Claims	PROSECUTION	7
01-14-2005	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	4
10-14-2004	Final Rejection	PROSECUTION	15
10-14-2004	List of references cited by examiner	PRIOR ART	1
10-14-2004	Search information including classification, databases and other search related notes	PROSECUTION	1
10-14-2004	Index of Claims	PROSECUTION	1
10-07-2004	Examiner's search strategy and results	PROSECUTION	1
08-19-2004	Fee Worksheet (PTO-875)	PROSECUTION	1
07-26-2004	Extension of Time	PROSECUTION	2
07-26-2004	Amendment - After Non-Final Rejection	PROSECUTION	1
07-26-2004	Claims	PROSECUTION	5
07-26-2004	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	4
03-25-2004	Non-Final Rejection	PROSECUTION	18
03-25-2004	List of references cited by examiner	PRIOR ART	1
03-20-2004	Examiner's search strategy and results	PROSECUTION	3
03-19-2004	Examiner's search strategy and results	PROSECUTION	10
06-25-2001	Extension of Time	PROSECUTION	2
06-25-2001	Oath or Declaration filed	PROSECUTION	10
06-25-2001	Applicant Response to Pre-Exam Formalities Notice	PROSECUTION	3
05-21-2001	Certified Copy of Foreign Priority Application	PROSECUTION	294
05-21-2001	Certified Copy of Foreign Priority Application	PROSECUTION	290
05-21-2001	Certified Copy of Foreign Priority Application	PROSECUTION	293
03-21-2001	Miscellaneous Action with SSP	PROSECUTION	1
02-12-2001	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
02-12-2001	Search information including classification, databases and other search related notes	PROSECUTION	1
02-12-2001	Index of Claims	PROSECUTION	1
02-12-2001	Transmittal letter	PROSECUTION	5
02-12-2001	Authorization for Extension of Time all replies	PROSECUTION	5
02-12-2001	Drawings	PROSECUTION	163
02-12-2001	Specification	PROSECUTION	168
02-12-2001	Claims	PROSECUTION	10
02-12-2001	Abstract	PROSECUTION	1
02-12-2001	Bibliographic Data Sheet	PROSECUTION	2
02-12-2001	Fee Worksheet (PTO-875)	PROSECUTION	1
02-12-2001	Fee Worksheet (PTO-875)	PROSECUTION	2
02-12-2001	Claims Worksheet (PTO-2022)	PROSECUTION	1
02-12-2001	Application Data Sheet	PROSECUTION	7
02-12-2001	Transmittal letter	AS FILED	5
02-12-2001	Application Data Sheet	AS FILED	7
02-12-2001	Specification	AS FILED	168
02-12-2001	Claims	AS FILED	10

02-12-2001      Abstract  
02-12-2001      Drawings

AS FILED      1  
AS FILED      163

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[Close Window](#)